

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.856 of 2016

Arising Out of PS.Case No. -34 Year- 2013 Thana -SC/ST District- BANKA

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1. Puran Yadav son of Late Gono Yadav
 2. Etwari Yadav son of Puran Yadav
 3. Gango Yadav Son of Puran Yadav
 4. Chandasi Yadav son of Puran Yadav
 5. Huro Yadav son of Late Lal Muni Yadav All Resident of village-Chaili, Police Station-Belhar, District-Banka

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Mukherjee

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI

SHARAN SINGH

ORAL ORDER

- 3 18-11-2016 1. A complaint case filed by the informant is the basis for registration of the First Information Report under Section 156(3) of the Code of Criminal Procedure, 1973.
2. Referring to the contents of the complaint petition, learned counsel appearing on behalf of the appellants has submitted that dispute, civil in nature over irrigation of field is the apparent reason behind lodging of the complaint case/FIR. According to him, what has been alleged in the complaint petition is exaggerated version of the actual occurrence. It has also been submitted that the appellants have no criminal antecedent and there is no chance that they will flee from the course of investigation or trial, if granted

regular bail.

3. Learned First Additional Sessions Judge, Banka has rejected the application of the appellants for grant of regular bail and thus, this appeal under Section 14(A) (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been preferred.

4. Considering the submission that the appellants have no criminal antecedent and there is no chance that they will be fleeing from the course of investigation or trial, in my view, the order passed by the learned First Additional Sessions Judge, Banka, dated 21.09.2016, which is impugned in the present appeal, deserves interference, which is accordingly set aside.

5. This appeal is, accordingly, allowed. Let the appellants above named, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned First Additional Sessions Judge, Banka in G.R. Case No. 1694 of 2013 arising out of SC/ST Banka P.S. Case No. 34 of 2013.

(Chakradhari Sharan Singh, J)

ArunKumar/-c

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